

Appl. No. 10/634,881

Amdt. Dated: September 25, 2006

Reply to Office Action of: August 24, 2006

### **REMARKS**

In response to the Office Action dated August 24, 2006, the Applicants elect with traverse claims 1 through 15 identified as invention I by the inventor.

The Examiner suggests that the Restriction Requirement as between inventions I and II is proper as the inventions are distinct. However, in order for a restriction requirement to be proper, the Examiner must show that not only are the inventions independent and distinct but also that examination of the inventions in a single application would create a serious burden.

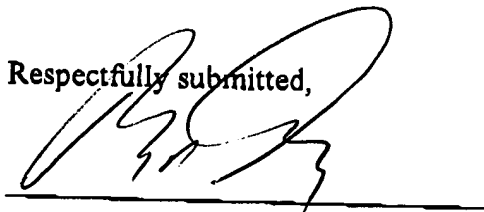
"If the search and an examination of an entire application could be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added)

MPEP, paragraph 803. MPEP defines a serious burden as a separate classification and separate fields of search.

In the present application, it is submitted that a serious burden is not created as it would be appropriate and proper for the Examiner to construct the field of search of invention I to include the subject matter found in the classification associated with invention II. It is noted that the Examiner has not indicated that the fields of search do not overlap. It is noted that the Examiners characterization of inventions I and II share similar language and therefore support the proposition that the field of search would not be different as between the two inventions.

Accordingly, withdrawal of the restriction requirement and further examination of the present application is respectfully requested.

Respectfully submitted,



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Date: September 25, 2006